

JENNY M. MORF, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON
Susan M. Dunaway, OSB No. 970506
Assistant County Attorney
501 S.E. Hawthorne Blvd., Suite 500
Portland, Oregon 97214
Telephone: (503) 988-3138
Facsimile: (503) 988-3377
Internet email Addresses: susan.m.dunaway@multco.us
Of Attorneys for Defendant Multnomah County

FILED 16 APR '12 13:16 USDC-ORP

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF OREGON

DAVID HINDAL,

Plaintiff,

v.

**MULTNOMAH COUNTY, a municipal
entity, JASON LOWE, VERA POOL,
LINDA YANKEE, and CAROL HASLER**

Defendants.

3:12 - CV - 672

PK

NOTICE OF REMOVAL

TO: Judges of the United States District Court for the District of Oregon;
Administrator of the Circuit Court of the State of Oregon for the County of Multnomah;
David Hindal, plaintiff and his attorney, Kenneth A. Kreuscher.

TO THE CLERK OF THE COURT:

PLEASE TAKE NOTICE that, pursuant to 28 USC §§1441 and 1446, Defendant Multnomah County hereby removes to this Court the case now pending in Multnomah County Circuit Court as *David Hindal v. Multnomah County, Jason Lowe, Vera Pool, Linda Yankee and Carol Hasler* Case No. 1203-03385. None of the defendants except for Multnomah County have been served with the Summons and Complaint in this case.

/// /// ///

/// /// ///

Page 1 – NOTICE OF REMOVAL

#46472

Multnomah County Attorney
501 SE Hawthorne Blvd., Suite 500
Portland, Oregon 97214
(503) 988-3138

As grounds for removal, Defendant Multnomah County respectfully gives Notice of Removal as follows:

1. On March 15, 2012, this action was commenced against defendants in the Circuit Court of the State of Oregon for the County of Multnomah, entitled *David Hindal v. Multnomah County, Jason Lowe, Vera Pool, Linda Yankee and Carol Hasler*, Case No. 1203-03385. A copy of the Summons and Complaint was served at the Office of the Multnomah County Attorney on March 16, 2012, and are attached as **Exhibit 1** and **2** respectfully and made a part of this notice. Multnomah County Circuit Court records show that defendants Jason Lowe, Vera Pool, Linda Yankee and Carol Hasler have not been served with the a summons and complaint in this case and a copy of the state court docket in this case showing same is attached as **Exhibit 3** and made a part of this notice. On March 22, 2012, Multnomah County received a request from Plaintiff's attorney to waive service on Jason Lowe, Vera Pool, Linda Yankee and Carol Hasler. Letters have been sent to all of the individually named defendants, all of whom are or were Multnomah County employees at the pertinent times herein, requesting written consent allowing the attorney for defendant Multnomah County to accept service on their behalf. Written consent has not been received from all the defendants. The acceptance of service, which is not due until April 21, 2012, has not yet been filed. "[P]arties who have not been served need not be joined; the defendants summonsed can remove by themselves." *Salvrson v. Western States Bankcard Assoc., et.al.* 731 F2d 1423, 1429, 1430 (9th Cir 1984). Accordingly, thirty days have not expired since receipt by Defendant of the summons and complaint and none of the defendants have entered or appeared or voluntarily invoked or submitted to the jurisdiction of the Circuit Court for the State of Oregon for the County of Multnomah County in any manner.

/// /// ///

Page 2 – NOTICE OF REMOVAL

2. The above-described action against defendants Multnomah County, Jason Lowe, Vera Pool, Linda Yankee and Carol Hasler is a civil action which may be removed from that court by defendant under the provisions of Title 28 USC Sections, 1331, 1367, and 1441 et.seq, in that this Court has original jurisdiction over one of the claims against Multnomah County as it is a civil action brought pursuant to 42 USC Section 1983, seeking damages on account of an alleged violation of plaintiff's rights, privileges and immunities secured by the Constitution and laws of the United States of America.

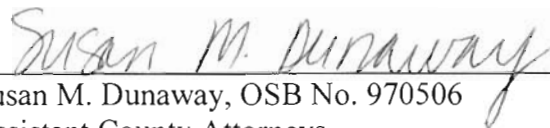
3. Pursuant to 28 USC Section 1446 (d), defendant Multnomah County will file a notice of removal with the Clerk of the Circuit Court, Multnomah County, Oregon, informing the court that this matter has been removed to federal court. A copy of this Notice of Removal, including all supporting exhibits, will be attached to the notice of removal filed with the circuit court. Pursuant to 28 USC Section 1446 (d), a copy of this Notice of Removal is also being served upon Plaintiff.

THEREFORE, defendant Multnomah County gives notice that the above action now pending against it in the Circuit Court of the State of Oregon for the County of Multnomah County has been removed therefrom to this Court.

DATED this 5th day of April, 2012.

Respectfully submitted,

JENNY M. MORF, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON



Susan M. Dunaway, OSB No. 970506
Assistant County Attorneys
Of Attorneys for Defendant Multnomah County

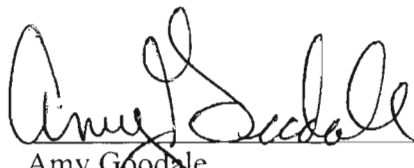
CERTIFICATE OF SERVICE

I hereby certify that on April 16, 2012, I served the foregoing **NOTICE OF REMOVAL**
on:

Kenneth A. Kreuscher
Portland Law Collective, LLP
1130 SW Morrison St., Suite 407
Portland, OR 97205
Fax No. (503) 223-4518

by the following method or methods as indicated:

- (**X**) by **mailing** to said person(s) a true copy thereof, said copy placed in a sealed envelope, postage prepaid and addressed to said person(s) at the last known address for said person(s) as shown above, and deposited in the post office at Portland, Oregon, on the date set forth above.
- () by causing a true copy thereof to be **hand delivered** to said person(s) at the last known address for said person(s) as shown above, on the date set forth above.
- () by mailing via **certified mail, return receipt requested**, to said person(s) a true copy thereof, said copy placed in a sealed envelope, postage prepaid and addressed to said person(s) at the last known address for said person(s) as shown above, and deposited in the post office at Portland, Oregon, on the date set forth above.
- (**X**) by **facsimile** to said person(s) a true copy thereof at the facsimile number shown above, which is the last known facsimile number for said person(s) on the date set forth above. A copy of the confirmation report is attached hereto.



Amy Goodale
Paralegal